

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
End of Edwards Lane at \* ZONING COMMISSIONER  
Armstrong Creek \*  
(3301 Edwards Lane) \* OF BALTIMORE COUNTY  
5th Councilmanic District \*  
15th Election District \* CASE # 89-36 SPH  
Frederick M. Conrad, Jr., et ux  
Petitioners

AMENDED ORDER

WHEREAS the Petitioner requested approval of a nonconforming use; and,

WHEREAS the decision rendered by the Zoning Commissioner granting the approval of a nonconforming use was restricted in terms of the time period of operations of the Summer homes; and,

WHEREAS the restriction (Restriction #1) concerning the rental of Summer homes is not based upon the evidence in the record; therefore, there is an error.

IT IS, THEREFORE, ORDERED, by the Zoning Commissioner of Baltimore County, this 4th day of October, 1988, that Restriction #1 after the first "Further Ordered" shall be removed and the paragraph shall read:

"IT IS FURTHER ORDERED, that the Petition for Special Hearing to approve a nonconforming use for a commercial beach, picnic grounds and summer homes for rental, as more particularly described on Petitioner's Exhibit 1, be and the same is hereby Granted."

IT IS FURTHER ORDERED that all other provisions and restrictions of the Order dated September 13, 1988 shall remain in full force and effect.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

cc: Peoples Counsel  
Mr. Frank Hubbard, 4023 Bay Drive, 21220  
Mr. James Goodhues, 622 South Potomac Street, 21224  
Mr. R. Sheesley, Director, DEPRM.  
Mr. Wayne Northrup, State of Md., Dept. of Planning

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Petitioners

FINDINGS OF FACT AND CONCLUSION OF LAW

The Petitioner herein requests approval of a nonconforming use for picnic grounds and catering facility, with existing Class D Beer and Light Wine License, and summer home rentals, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. The Petitioner was supported by Frank Hubbard and James Goodhues, who also testified. There were no Protestants.

The Petitioner has requested that a nonconforming use be established upon a 15.15 acre parcel of land bounded on the north by Bass Avenue and on the east, south and west by Armstrong Creek and Frog Mortar Creek.

The uncontradicted testimony indicates that the property is improved as a privately owned recreational facility and commercial beach area. Petitioner's Exhibit 1 indicates that the property is now improved with several summer homes for rent and a collection of common buildings surrounding the Main Hall which was constructed in the late 1940s. The property has been a family run operation since the early 1930s when it was originally purchased and developed for the purpose of a commercial beach and private recreational facilities by Frederick M. Conrad and Bessie M. Conrad, the mother and father of the Petitioner, Frederick William Conrad, Jr., herein.

The evidence tends to indicate that the property was originally developed in the 1930s as a commercial beach with what was referred to at that time as shore fees to gain access to the facilities on this location. Most of the major facilities present today were present from the early 1930s until today. Some of these facilities have been either destroyed or raised and then replaced, however, all new construction has always been performed after obtaining the necessary Baltimore County building permits. The recreational facilities that exist today and the Main Hall which is used by larger groups for social functions, (i.e. bull roast, crab feast and small fund raisers) are substantially similar in both size and scope of operation to the types of activities that have been conducted on this site since the early 1930s.

The documentary evidence indicates that similar liquor licenses have been held for this property every year since 1936. The licenses are for beer and light wine for service to the general public during both catered affairs and on a daily basis. Documentary evidence also substantiates that accurate business records have been kept for the ongoing business operations since approximately 1937. These business records which were viewed by the Zoning Commissioner, however, not made exhibits due to their voluminous nature, clearly, indicate that there has been ongoing commercial operations at this location revolving around both the Main Hall and the beach facilities since the summer of 1937.

The uncontradicted evidence of the Petitioners' two witnesses, Mr. Hubbard and Mr. Goodhues, clearly, establishes that this commercial operation has existed since 1937 without interruption. They also indicated they have continuously visited this site since the middle 1930s and

As with all nonconforming use cases, the first task is to determine what lawful use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The testimony and documentary evidence in this case, clearly, establish that a commercial recreational area and commercial community building was developed and operated continuously since approximately 1937 on the subject site. The facts tend to indicate that certain improvements and changes have taken place on the site over the years, however, all of the new facilities are substantially similar to the older facilities that they replaced except for the older facilities, such as the chicken coops which were discontinued and never replaced with any other use.

The second principal, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether the use is a different use, and therefore, breaks the continued nature of the nonconforming use or is the same use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d. 96 (1978).

The uses of the subject site today are the same as those in 1937. The only differences are the discontinued uses which may not be reinstated and the methodology of the same uses continuous to present. The manner or method of performing the same use does not end the use or change it to break the chain of years.

of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was amended to its current form on March 15, 1976. The current regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except: as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation created an exception to the general nonconforming rule in cases concerning special exception office buildings. That Section reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)."

authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first zoning regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light, and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978). Those original regulations also provided for nonconforming uses. That statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The subject of a nonconforming use was dealt with in Section 104.1. That Section read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent

were regular patrons during the Second World War. They further testified that the physical facilities have changed over the years with the destruction and replacement of the Main Hall, the new and improved bathroom facilities, the replacement of some of the summer homes and the loss of some of the agricultural facilities such as chicken and duck coops. Both gentlemen further testified that they have never known this commercial facility to be closed and the basic recreational facility, the Main Hall and commercial beach, with necessary support buildings, have always been in existence in one form or another. That to the best of their recollection, community dinners and bull roasts have, regularly, been conducted in the Main Hall.

The Petitioners herein claim that the current use of the subject property, described on Petitioner's Exhibit 1, is a legal nonconforming use as a result of the continuous operation of this facility, prior to the enactment of the Baltimore County Zoning Regulations (B.C.Z.R.) in 1945. Zoning was officially enacted in Baltimore County, Maryland on January 2, 1945, when, pursuant to a previous authorization by the General Assembly, the then Baltimore County Commissioners adopted a comprehensive set of zoning regulations. The current B.C.Z.R. represent the continued refinement of those original zoning regulations and, therefore, January 2, 1945 is considered the beginning of modern zoning regulations in Baltimore County.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature



The testimony and evidence in this matter, clearly, establish that the ongoing use of the subject property has been continuously taking place since prior to January 2, 1945. The evidence in the record establishes that a nonconforming use has existed on the subject site since prior to the adoption of the B.C.Z.R. and that there has been no interruption in this use of more than one year.

Any nonconforming case that arises within the Chesapeake Bay Critical Area must comply with the requirements of Sections 104.1, 104.2 and 307.2 of the B.C.Z.R. Section 307.2 by definition also requires compliance with the terms and conditions of Section 500.14 of the B.C.Z.R.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request

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is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and,
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

After due consideration of the testimony and evidence presented, it

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is clear that the requirements of the B.C.Z.R. have been complied with and, as such, the Petition for Special Hearing to approve a nonconforming use for a commercial beach and private recreational facility with picnic grounds and catering facilities limited to the structure known as the Main Hall, indicated on the Petitioner's Exhibit 1, and with limited summer home rentals shall be approved and granted.

Pursuant to the advertisement, posting of the property, and the public hearing on this Petition held and for the reasons set forth above, the relief requested in the Petition for Special Hearing should be granted as amended and adopted in this final Order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12<sup>th</sup> day of September 1988 that the Petition for Special Hearing to approve a nonconforming use for a commercial beach and private recreational facility, including picnic grounds, private beach, pavilion, two story frame house, piers, restrooms and catering facilities limited to the structure known as the Main Hall, all as indicated on Petitioner's Exhibit 1, which is the final development plan and final site plan, be and the same is hereby granted; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing to approve a nonconforming use for a commercial beach, picnic grounds and summer homes for rental, as more particularly described on Petitioner's Exhibit 1, be and the same is hereby granted, subject to the following restrictions:

1. That the Petitioner shall not allow the summer homes to be used, rented or leased during the period October 15 thru May 15 of each and every year.

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IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 14, 1988, attached hereto and made a part hereof.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

JRH:mmn  
cc: Peoples Counsel  
Mr. Frank Hubbard, 4023 Bay Drive, 21220  
Mr. James Goodhues, 622 South Potomac Street, 21224  
Mr. R. Sheesley, Director, DEPRM.  
Mr. Wayne Northrup, State of Md., Dept. of Planning

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

September 13, 1988



Dennis F. Rasmussen  
County Executive

Mr. and Mrs. Frederick W. Conrad, Jr.  
3301 Edwards Lane  
Baltimore, Maryland 21220

RE: Petition for Special Hearing  
Case No. 89-36 SPH

Dear Mr. and Mrs. Conrad:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
att.  
cc: Peoples Counsel  
Mr. Frank Hubbard  
Mr. James Goodhues

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Special Hearing  
Frederick & Faye Conrad  
Item # 4/8

DATE: June 14, 1988

JUN 24 1988

ZONING OFFICE

This property is located on Edward Road along Frog Mortar Creek. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. [COMAR 14.15.10(0)(1)(2)(3)]

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

- 1) Twenty-three major deciduous trees or 54 conifers or 54 minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 27,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet.
- 2) Storm water run-off from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

AUG 18 1988

Memo to Mr. J. Robert Haines  
June 14, 1988  
Page Two

Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:tjg

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

October 4, 1988



Dennis F. Rasmussen  
County Executive

Mr. and Mrs. Frederick W. Conrad, Jr.  
3301 Edwards Lane  
Baltimore, Maryland 21220

RE: Petition for Special Hearing- Amended Order  
Case No. 89-36 SPH

Dear Mr. and Mrs. Conrad:

Enclosed please find the Amended Order on the above captioned case.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
att.  
cc: Peoples Counsel  
Mr. Frank Hubbard, 4023 Bay Drive, 21220  
Mr. James Goodhues, 622 South Potomac Street, 21224  
Mr. R. Sheesley, Director, DEPRM.  
Mr. Wayne Northrup, State of Md., Dept. of Planning



418  
PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-36-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve or disapprove the proposed use of the property, to wit:

A non-conforming use for a picnic grounds and catering facility with existing Class D Beer and Light Wine License, and summer home rentals.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
Frederick William Conrad, Jr.  
(Type or Print Name)  
Frederick W. Conrad, Jr.  
(Type or Print Name)  
Faye Mildred Conrad  
(Type or Print Name)  
Faye Mildred Conrad  
(Type or Print Name)

3301 Edwards Lane  
Baltimore, Md. 21220  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Frederick William Conrad, Jr.  
Name  
3301 Edwards Lane  
Baltimore, Md. 21220  
City and State  
Phone No. 335-6450

ORDERED BY The Zoning Commissioner of Baltimore County, this 24th day of May, 1988, that the subject matter of this petition be advertised, as of May 1988, in two newspapers of general circulation throughout Baltimore County, that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of August, 1988, at 11:00 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2 HR.  
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHERS - DATE 5/18/88  
REVIEWED BY: [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-36-SPH  
End of Edwards Lane at Armstrong Creek  
(3301 Edwards Lane)  
15th Election District - 5th Councilmanic  
Petitioner(s): Frederick William Conrad, Jr., et al.  
HEARING SCHEDULED: THURSDAY, AUGUST 25, 1988 at 11:00 a.m.

Special Hearings A non conforming use for a picnic grounds and catering facility with existing Class "D" Beer and Light Wine License and summer home rentals.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on July 28, 1988.

THE JEFFERSONIAN

S. Zake - Publisher

33.75  
45.00

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th  
Posted for: Special Hearing Date of Posting: 8/8/88  
Petitioner: Frederick William Conrad, Jr., et al.  
Location of property: End of Edwards Lane at Armstrong Creek  
3301 Edwards Lane  
Location of Sign: Faye Mildred Conrad, Jr., et al.  
Remarks: on property of petitioner  
Posted by: [Signature] Date of return: 8/14/88  
Number of Signs: 1

### PETITIONER'S EXHIBIT 2

### STATE OF MARYLAND Alcoholic Beverages Law Beer and Light Wines License. Class B. (On Sale). Hotels and Restaurants

BALTIMORE COUNTY, to-wit: Frederick W. Conrad, Jr.  
THIS IS TO CERTIFY, that Frederick W. Conrad, Jr., et al.  
Petitioner(s): Frederick William Conrad, Jr., et al.  
HEARING SCHEDULED: THURSDAY, AUGUST 25, 1988 at 11:00 a.m.

is licensed by the STATE OF MARYLAND to keep for sale, and to sell beer and light wines at retail, at the hotel or restaurant herein described, for consumption on the premises or elsewhere.  
The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, but the holder of this license shall not be permitted to make any sale on any day of any general, special or primary election.  
Issued under authority of Chapter 2 of the Acts of the General Assembly of Maryland, Special Session of 1933.

In Testimony Whereof, the Seal of the Comptroller's Office is hereto affixed.

This License shall continue in force until the first day of May next.

TEST: C. Wiedemann  
Clerk of the Circuit Court for Baltimore County

Cost of License, \$60.00  
Nineteen Hundred and

Issued the day of

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Frederick William Conrad, Jr.  
3301 Edwards Lane  
Baltimore, Maryland 21220

Re: Petition for Special Hearing  
CASE NUMBER: 89-36-SPH  
End of Edwards Lane at Armstrong Creek  
(3301 Edwards Lane)  
15th Election District - 5th Councilmanic  
Petitioner(s): Frederick William Conrad, Jr., et al.  
HEARING SCHEDULED: THURSDAY, AUGUST 25, 1988 at 11:00 a.m.

Dear Mr. & Mrs. Conrad:

As due for advertising and posting of fees must be paid prior to the hearing, (s) from the property from the time the day of the hearing itself.

ZONING SIGN(S) AND POST(S) RETURNED OR THE ORDER SHALL NOT BE ISSUED.

Baltimore County, Maryland and bring (s) to the Zoning Office, County Office and 21204 fifteen (15) minutes before.

to return the sign and post set(s), there to the above fee for each set not

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

86	Bookings Summer of 1987	
June 20 Mr. Council R.T.C. grounds	35.00	
Mr. Schwartz's Claiming place 6200		
Paul on ac. June 4	1000	2500
June 7 Behrand Box grounds	35.00	35.00
104 Dinner 4.00		
104 Lunch 2.00		
July 1 Ladies Club Dinner. Club on account	45.00	
Dinner @ 1.25		
72 Dinner @ 1.25		
14 " @ 65 Credits		
540 Bill 2.00		
July 17 BTD Boys Club Affair 20 min	40.00	
July 18 Mr. Field's Halford Car. grounds	35.00	
May 3 on ac.		10.00
99 Dinner @ 1.00		
2 cases Coca Cola @ 50		
1 " Long @ 60		
1 " 1.20		
July 25 Dick O'Brien		
Dinner @ 100		
Southern Bell		
100		
Bar.		

### PETITIONER'S EXHIBIT 4

LIBER 5490 PAGE 122

This Deed, Made this sixth day of August in the year one thousand nine hundred and seventy-four by and between Frederick W. Conrad, Jr. grantor,

of Baltimore County in the State of Maryland, of the first part, and Frederick W. Conrad, Jr. and Faye Conrad, his wife, grantees, of the same place, of the second part.

WITNESSETH, that in consideration of the sum of five dollars (\$5.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the said party of the first part,

does grant and convey unto the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and unto the survivor's personal representative,

heirs and assigns, in fee simple, all that lot of ground situated, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the same on the easternmost waters edge of Armstrong Creek and at the end of the north 70 degrees 20 minutes west 883 feet line of the land which by deed dated August 8, 1919, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 315, folio 368 6c, was conveyed by Philip Edwards and wife to Samuel Bass, said place of beginning being also in the center of a road 12 feet wide and running thence binding on the waters edge of Armstrong Creek the 14 following courses and distances viz: south 5 degrees 02 minutes east 167.6 feet south 6 degrees 29 minutes east 89.7 feet south 14 degrees 18 minutes east 275.6 feet south 8 degrees 03 minutes east 395.0 feet south 26 degrees 29 minutes east 95.2 feet south 54 degrees 34 minutes east 251.15 feet north 60 degrees east 50.9 feet north 43 degrees 55 minutes east 402.6 feet north 70 degrees 36 minutes east 93.7 feet north 37 degrees 45 minutes east 201.4 feet north 10 degrees 13 minutes east 28.55 feet north 24 degrees 42 minutes west 133.15 feet north 5 degrees 07 minutes west 102.5 feet and north 1 degree 19 minutes west 76.76 feet to the center of the aforesaid road 12 feet wide and to the end of the north 19 degrees 37 minutes west 72.7 feet line of the land conveyed as aforesaid by Philip Edwards and wife to Samuel Bass and thence binding on the outline of said land and on the center of the aforesaid road 12 feet wide north 70 degrees 15 minutes west 944.6 feet to the place of beginning. Containing 15 15/100 acres of land more or less.

BEING the same lot of ground which by deed dated evenly herewith and intended to be recorded among the land records of Baltimore County, immediately prior hereto, was granted and conveyed by Robert L. Stockdale, Personal Representative of the Estate of Bessie Mae Conrad unto the grantor herein named.

008\*\*\*\*\* 0318932 42-CL AC  
008\*\*\*\*\* 0318932 42-CL AC  
TRANSFER TAX NOT REQUIRED  
Acting Deputy Clerk  
Per: [Signature]  
Authorized Signature  
J. Robert Haines

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petitioner(s): Frederick William Conrad, Jr., et al.  
HEARING SCHEDULED: THURSDAY, AUGUST 25, 1988 at 11:00 a.m.  
Special Hearing: A non conforming use for a picnic grounds and catering facility with existing Class "D" Beer and Light Wine License and summer home rentals.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

### The Times

Middle River, Md., Aug 28 1988

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of successive

weeks before the 28th day of

1988

Publisher.



HOME OWNERS' LOAN CORPORATION  
COUNTY TAX REPORT

Description of Property: Frog Mortar Creek  
Name of Record Owner: Frederick W. + Bessie M. Conrad  
Assessed To: Frederick W. Conrad District 15th 15/324-7

Tax Ledger Description: see below under Remarks

Is all of our property on Tax Ledger? yes

Amount of Assessment: 11,525 Total Assessment: \$12,400

Taxes, State and County: Met. Dist. or other Special Charges:

1931 Taxes Paid: Open Water: none  
1932 " 5/2/33 Sewer: none  
1933 " 9/2/34 " none  
1934 " 12/2/35 " none

Town or City Taxes Paid: Open

**PETITIONER'S EXHIBIT 3**

Examination made by: J.H.T.

REMARKS: 3 1/4 ac. E.S. Frog Mortar Creek, 1 Mi. from  
Bowling's rd., 11 Dwellings, 4000 sq. Duelling, 100  
Garage 500, 2000 sq. Duelling, 100  
House 350, 2000 sq. Duelling, 100  
Toy House 150, 2000 sq. Duelling, 100  
Pump House 50, 2000 sq. Duelling, 100  
Shed 125, 2000 sq. Duelling, 100  
1 1/2 ac. E.S. Frog Mortar Creek  
adj. above "N. Bay"

1225  
5800  
450  
390  
3025  
200  
11,525  
1,335  
12,900

COUNTY COUNCIL OF BALTIMORE COUNTY  
FIFTH DISTRICT OFFICE  
809 EASTERN BOULEVARD, ROOM 201  
ESSEX, MARYLAND 21221

COUNCIL OFFICE - TOWSON 494-3198  
DISTRICT OFFICE - ESSEX 391-9711

NORMAN W. LAUENSTEIN  
COUNCILMAN

August 25, 1988

TO WHOM IT MAY CONCERN:

As a life long resident of Essex and Middle River, I can state that Conrad's Villa has been a family picnic area since the late 30's. I can remember my family and friends using this spot for gatherings. In fact, in 1941 when Fred and I both entered Kenwood Senior High School our class had a picnic and swimming party at the Conrad family's picnic ground at the end of Edward's Lane. As I recall, we did not take our own food as the group purchased hot dogs, hamburgers, sandwiches and sodas of all colors.

This property remains a treasure in Baltimore County and I hope its use continues.

Sincerely,  
Norman W. Lauenstein  
Councilman

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify on this the 25th day of August, 1988, before me a Notary Public in and for the State and County aforesaid mentioned, appeared Norman W. Lauenstein who stated the above to be true and correct.

Witness my hand and seal.

**PETITIONER'S EXHIBIT 5**

**PETITIONER'S EXHIBIT 6**

THIS AGREEMENT made this 9th day of June, 1931.

between Carrie Samuel and William Samuel, her husband, Beatrice Schwartz and Julius Schwartz, her husband and Leon Bass and Edna Bass, his wife, parties of the first part, Vendors and Frederick W. Conrad and Bessie M. Conrad, his wife parties of the second part, Vendees.

WITNESSETH, that the said parties of the first part do hereby bargain and sell unto the said parties of the second part and the latter does hereby purchase from the former, the following described property situate and lying in Baltimore County and containing fifteen acres of land more or less, located on Frog Mortar Creek at Bengies, Baltimore County, Maryland, and the improvements thereon fully described in two deeds, one dated the 17th day of June 1918 from William Giarrel, Jr. and wife to Samuel Bass and recorded in W. P. C. #500 folio 331 etc.; and the other dated August 19th, 1919 from Philip Edwards and wife to the said Samuel Bass duly recorded among the Land Records of Baltimore County in Liber W. P. C. #515, folio 368 etc. The said grantee in the aforementioned deeds, Samuel Bass, having died on the 29th day of January 1931 leaving a will duly probated on the 3rd day of February 1931 by the Orphans Court of Baltimore County in which he bequeathed the herein mentioned property unto his three children, Carrie Samuel, Beatrice Schwartz and Leon Bass. Said property is in fee simple.

At and for the price of \$20,250 of which \$1000 has been paid prior to the signing hereof and the balance is to be paid as follows:- \$9000 on the day of transfer, and the balance represented by a purchase money mortgage from said parties of the second part to said parties of the first part for the amount of \$20,250, with interest thereon at the rate of 6% per annum payable semi-annually; \$5000 of the principal of said mortgage shall be paid six months from the date of said mortgage and the balance

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

June 7, 1988

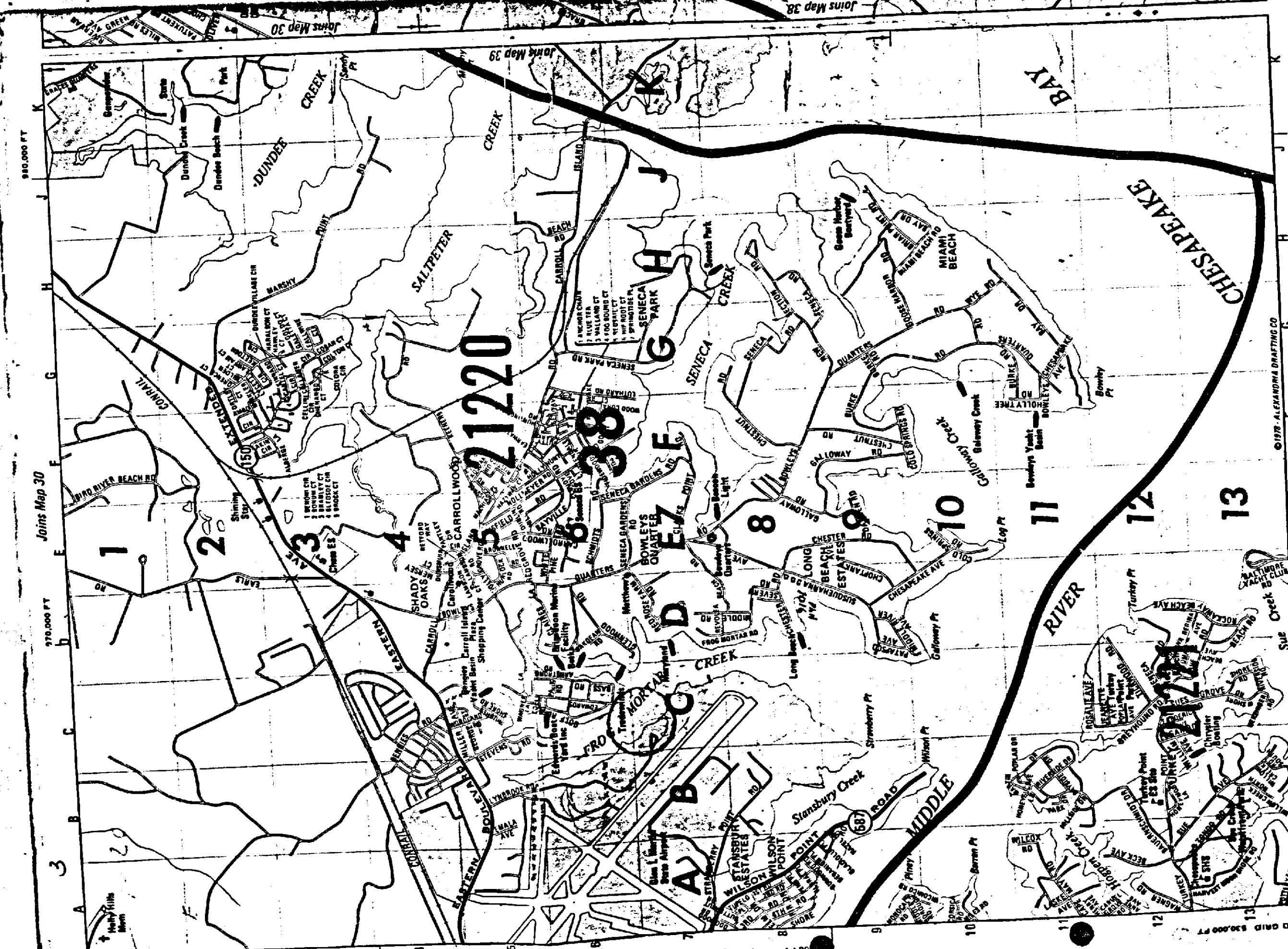
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

Re: Property Owner: Frederick W. Conrad, et ux  
Location: end of Edwards La. at Armstrong Creek (CRITICAL)  
Item No.: 418 Zoning Agenda: Meeting of 5/31/88

- Gentlemen:
- Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.
- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or        feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
  - ( ) 2. A second means of vehicle access is required for the site.
  - ( ) 3. The vehicle dead end condition shown at        EXCEEDS the maximum allowed by the Fire Department.
  - ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
  - (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
  - ( ) 6. Site plans are approved, as drawn.
  - ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl J. Kelly 6-7-88 Noted and Approved: John F. O'Neill  
Special Inspection Division Fire Prevention Bureau



89-36-SPH  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 24th day of May, 1988.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Frederick W. Conrad, Jr., et ux  
Petitioner's Attorney: James P. Dyer  
Received by: James P. Dyer  
Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

August 17, 1988

Mr. & Mrs. Frederick W. Conrad, Jr.  
3301 Edwards Lane  
Baltimore, Maryland 21220

RE: Item No. 418 - Case No. 89-36-SPH  
Petitioner: Frederick W. Conrad, Jr., et ux  
Petition for Special Hearing

Dear Mr. & Mrs. Conrad:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

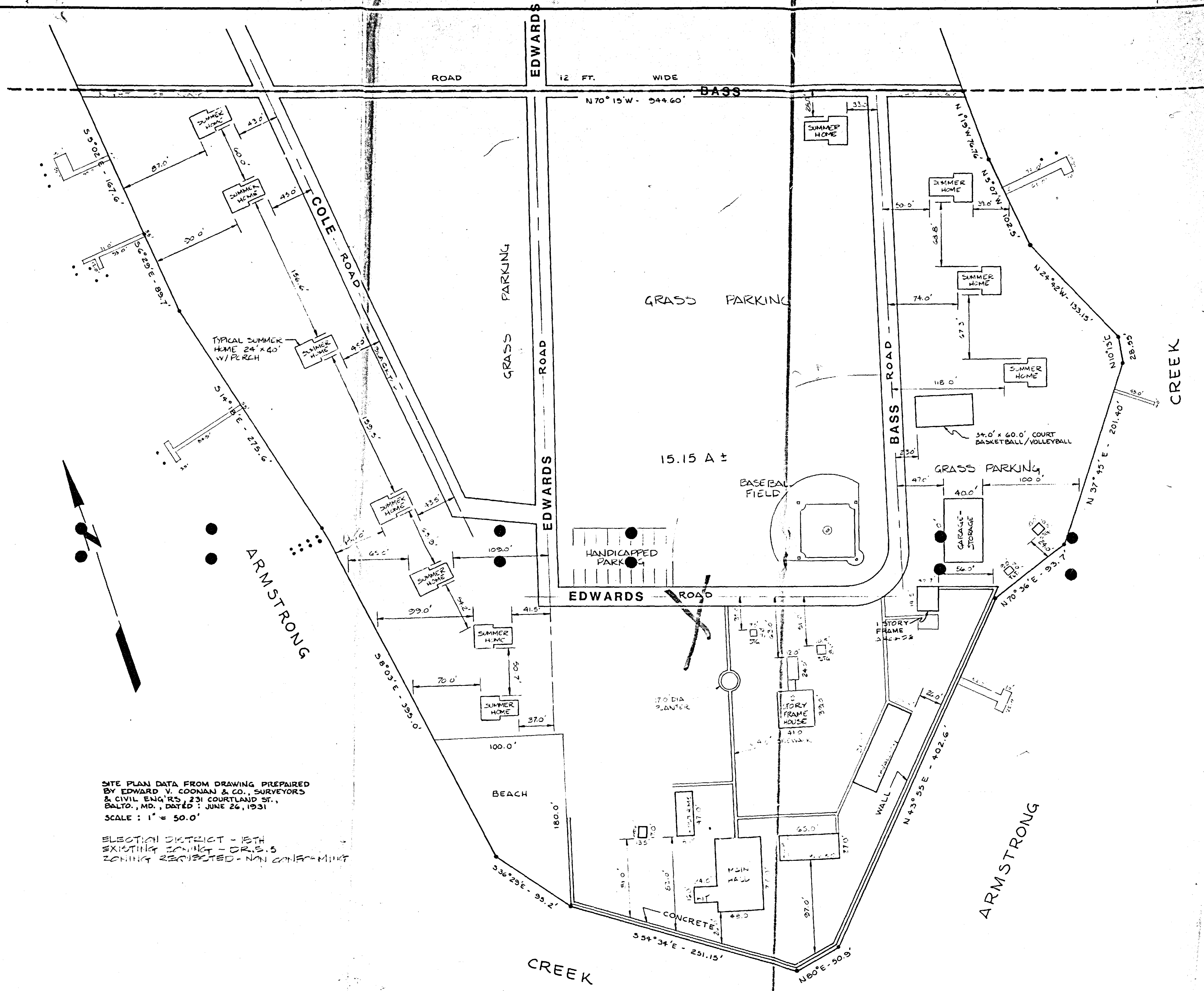
Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt



AUG. 18 RECD //





SITE PLAN DATA FROM DRAWING PREPARED  
 BY EDWARD V. COONAN & CO. SURVEYORS  
 & CIVIL ENG'RS, 231 COURTLAND ST.,  
 BALTO., MD., DATED: JUNE 26, 1931  
 SCALE: 1" = 50.0'

ELECTION DISTRICT - 15TH  
 EXISTING ZONING - DR.S.S.  
 ZONING REQUESTED - NON CONFORMING

**PETITIONER'S  
 EXHIBIT 1**

*[Signature]*  
 #418

SITE PLAN - PICNIC GROUNDS - CATERING FACILITY - YEARLY SUMMER HOME RENTAL	SD-1	SHEET
DATE 4-11-88	DRAWN BY J.E.	REVISIONS 4/22/88 4/25/88 5/11/88
<div data-bbox="2838 1727 2990 1992"> <p>Crab Feasts</p> </div> <div data-bbox="2838 1144 2990 1665"> <p>Conrad's Ruth Villa          3301 EDWARDS          BENGIES, MARYLAND 21220          335-6450</p> </div> <div data-bbox="2838 817 2990 1062"> <p>Bull Roasts</p> </div> <div data-bbox="2838 327 2990 705"> <p>M.D.Bowers Associates          DESIGNERS          TOWSON, MARYLAND</p> </div>		